

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AURA ROSSI,

Plaintiff,

v.

CITY OF LAKEWOOD, et al,

Defendants.

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LAKEWOOD FIRE DEPARTMENT, et al,

Third-Party Plaintiffs,

v.

CITY OF LAKEWOOD, a municipal  
corporation of the State of Washington,

Third-Party Defendant.

Case No. C07-5411

ORDER PERMITTING DEFENDANTS  
TO JOIN THE STATE OF  
WASHINGTON

THIS MATTER is before the Court on Defendant Lakewood's Motion for Summary Judgment [Dkt. #41] , and the request contained in its Reply [Dkt. #66], asking the court to add (or require the plaintiff to add) the State of Washington (DSHS) as a Party to this lawsuit.

The court has already determined that the State of Washington (DSHS) is not an indispensable party under Fed. R. Civ. P. 19, and it therefore denied the Defendants' Motions seeking dismissal of the case on that basis [See Dkt. #65]. Lakewood now reiterates its view that the State of Washington (DSHS) is a "necessary" party, and points out that Plaintiff has not argued otherwise.

1 The court will not join the State of Washington (DSHS) as a party, or require the Plaintiff to do so.  
2 However, the City of Lakewood is hereby GRANTED LEAVE to add the State of Washington (DSHS) as  
3 a third party defendant under Fed. R. Civ. P. 14(a). While the court is not convinced that the case cannot  
4 proceed without the State of Washington (DSHS), the Defendants can assuage their concerns about the  
5 State of Washington's (DSHS) absence by asserting a claim against that entity, if they so choose.

6 **IT IS SO ORDERED.**

7 Dated this 3<sup>rd</sup> day of March, 2008.

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11 RONALD B. LEIGHTON  
12 UNITED STATES DISTRICT JUDGE  
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